

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DOROTHY RUTH PEEK

PLAINTIFF

v.

Civil No. 06-5003

SHERIFF TIM HELDER;  
DR. HOWARD; NURSE  
RHONDA BRADLEY; and  
NURSE SUSAN JOHNSON

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Dorothy Ruth Peek filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on January 11, 2006. Her complaint was filed in forma pauperis (IFP).

On June 15, 2006, defendants filed a motion for summary judgment (Doc. 18). On July 17, 2006, the undersigned entered an order (Doc. 21) directing Peek to complete, sign and return an attached questionnaire that would serve as her response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by August 18, 2006. To date, the plaintiff has failed to respond to the questionnaire.

On August 31, 2006, the defendants filed a motion to dismiss this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (Doc. 22). Defendants ask that the case be dismissed based on Peek's failure to prosecute and her failure to obey an order of the court.

No mail has been returned to the court as undeliverable. Peek has not requested an extension of time to respond to the questionnaire. She has not otherwise communicated with the court.

I therefore recommend the motion to dismiss be granted and Peek's claims be dismissed on the grounds she has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **The parties have ten days from receipt of the report and**

**recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 31st day of August 2006.

/s/ Beverly Stites Jones  
UNITED STATES MAGISTRATE JUDGE